

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL C. POORE, <i>et al.</i> ,)	
)	
Plaintiffs)	
)	
v.)	No. 3:12-0906
)	Judge Trauger/Bryant
)	Jury Demand
WILLIAM HOLT, Sheriff, Robertson)	
County, in his official and)	
individual capacity, <i>et al.</i> ,)	
)	
Defendants)	

TO: THE HONORABLE ALETA A. TRAUGER

REPORT AND RECOMMENDATION

On August 8, 2013, the Court granted applications of six Plaintiffs - Poore, Coffey, Caldwell, Warrick, Alexander and Medina - for leave to proceed in *forma pauperis* (Docket Entry No. 101). This order, among other things, instructed the Clerk to send to these six Plaintiffs a service packet (a blank summons and ASM-285 form) for each Defendant named in the action. Plaintiffs were ordered to complete these service packets and return them to the Clerk's office within 21 days of the date of receipt of this order. Plaintiffs were forewarned that failure to return the completed service packets within the time required could jeopardize their prosecution of this action. Additionally, Plaintiffs were forewarned that their prosecution of the action would be jeopardized if they failed to keep the Clerk's office informed of their current addresses (Docket Entry No. 101 at 3).

It appears from the record that the service packets mailed to Plaintiffs Poore, Medina, Coffey, Alexander and Caldwell have been returned to the Clerk's office bearing a stamp stating

"Refused" and the handwritten word "Released" (Docket Entry Nos. 150, 151, 152, 153, and 154). No Plaintiff has returned completed service packets in compliance with the Court's order. Moreover, the record suggests that at least five of the six Plaintiffs have been released from the Robertson County Jail and have failed to inform the Clerk's office of their new addresses.

On October 3, 2013, the undersigned Magistrate Judge issued an order requiring Plaintiffs to show cause on or before October 18, 2013, why their complaint should not be dismissed for their failure to comply with an order of the Court directing them to return complete service packets and to keep the Clerk's office informed of their current addresses (Docket Entry No. 157). No Plaintiff has filed a response to this show cause order.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge finds that the complaint in this action should be DISMISSED with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure due to Plaintiffs' failure to comply with the order of the Court requiring them to return completed service packets and to keep the Clerk's office informed of their current addresses.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections.

Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 22nd day of October, 2013.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge